

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RUTHANN SCHROEDER**  
Claimant

**APPEAL 20A-UI-15180-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/03/20**  
**Claimant: Appellant (4)**

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Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

On November 19, 2020, the claimant filed an appeal from the November 10, 2020, (reference 06) unemployment insurance decision that found claimant overpaid benefits in the amount of \$1,063.00. The claimant was properly notified about the hearing. A telephone hearing was held on January 22, 2021. Claimant participated personally and was represented by Thomas Morhauser. Department Exhibit 1 was received.

**ISSUE:**

Was the claimant overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the amount of \$561.00 for the three weeks ending May 23, 2020. On June 26, 2020, Iowa Workforce Development issued a reference 02 decision finding claimant ineligible for benefits effective May 3, 2020. That decision has been affirmed. On June 26 2020, Iowa Workforce Development also issued a reference 04 decision allowing benefits effective May 22, 2020, based on a layoff with employer. That decision was not appealed and has become final.

On July 24, 2020, Iowa Workforce Development (IWD) issued a reference 05 unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$246.00 because she failed to properly report wages while receiving unemployment insurance benefits. That decision has been affirmed.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid REGULAR unemployment insurance benefits in reduced amount of \$561.00 for the three weeks ending May 23, 2020. This amount is duplicitous of and not in addition to \$246.00 claimant was found overpaid for the same time period due to failing to correctly report wages. Claimant is eligible for the benefits she received after May 23, 2020.

**DECISION:**

The November 10, 2020, (reference 06), unemployment insurance decision is modified in favor of claimant. The claimant has been overpaid unemployment insurance benefits in the reduced amount of \$561.00.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
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February 9, 2021  
Decision Dated and Mailed

cal/mh